

REMARKS

This responds to the Office Action mailed on July 19, 2007.

Claims 1 and 9 are amended and no claims are canceled or added; as a result, claims 1-20 remain pending in this application.

§103 Rejection of the Claims

Claims 1-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rauen (2004/0015408; hereinafter “Rauen”) in view of Kelley (U.S. 7,043,489; hereinafter “Kelley”).

Applicant respectfully traverses the 35 U.S.C. § 103(a) rejection of claims 1-16 and asserts the rejection of claims 1-16 is based on an improper *prima facie* showing of obviousness because Kelley teaches away from the combination with Rauen to provide the presently claimed subject matter. Applicant has amended independent claims 1 and 9 to further clarify the patentable nature of the claims. This amendment also clarifies how Kelley teaches away from the combination with Rauen.

A factor cutting against a finding to combine or modify the prior art is when the prior art teaches away from the claimed combination. A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path the applicant took. *In re Gurley*, 27 F.3d 551, 31 USPQ 2d 1130, 1131 (Fed. Cir. 1994); *United States v. Adams*, 383 U.S. 39, 52, 148 USPQ 479, 484 (1966); *In re Spinnoble*, 405 F.2d 578, 587, 160 USPQ 237, 244 (C.C.P.A. 1969); *In re Caldwell*, 319 F.2d 254, 256, 138 USPQ 243, 245 (C.C.P.A. 1963). Applicant respectfully submits that Kelley teaches away from the present claims.

Amended independent claims 1 and 9 similarly include “storing data input in a data entry format via an interface, wherein the data in the data entry format excludes information required by a data entry rule” and “transforming the stored data from the data entry format to a first data storage format, wherein the data in the first data storage format includes the information required by the data entry rule.” The Office Action on page 3 acknowledges that Rauen fails to disclose that the data in the data entry format excludes information required by a data entry rule and the

data in the first data storage format includes the information required by the data entry rule. The Office Action on page 3 then asserts that Kelley provides a teaching of such “features” in Col. 14 at lines 8-13. Applicant traverses this assertion and respectfully submits that this portion of Kelley teaches away from Applicant’s claims.

For example, independent claim 1, as recited above, provides that the data in the data entry format be stored even though the data “excludes information required by a data entry rule.” This stored data is then transformed from the data entry format to the first data storage format. Of note here, with regard to Kelley, is that the data is stored even though it is not complete according to the data entry rule.

Kelley, at the cited portion Col. 14, lines 8-13, provides:

“The central repository 17 determines if any required information is missing from page 238 (step 122) and can provide a message querying the user to obtain the missing information (step 124). Upon receiving the complete information, the central repository converts the document to the common database format (step 126)”

Thus, in Kelley if the required information, such as specified by a data entry rule in Applicant’s claim 1, is missing, a message is provided to the user to request and obtain that information. If the information is not obtained, the teachings of Kelley prevent the data from being stored. Such a teaching is in stark contrast to Applicant’s independent claim 1 and similar independent claim 9 which include storing the data even without information required by the data entry rule.

Applicant respectfully submits that Kelley’s requirement that all data be present before the data is stored prevents the method of independent claim 1 from progressing past the first element, which allows the method to progress even if the “data entry format excludes information required by a data entry rule.” Further, Kelley removes the need to perform the transformation of the stored data to the first data storage format to include the information required by the data entry rule. Thus, Applicant further submits that a combination of Rauén and Kelley provides a different solution and that such a combination teaches away from “storing data input in a data entry format . . . wherein the data . . . excludes information required by a data entry rule” as claimed.

Accordingly, Applicant respectfully submits that independent claims 1 and 9 are patentable over the combination of Rauén and Kelley because Kelley teaches away from

proposed combination of references. Claims 2-8 and 10-16 depend, directly or indirectly, from claims 1 and 9, respectively, and are also patentable for at least the same reasons.

Claims 17-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rauen (2004/0015408; hereinafter "Rauen") in view of Kelley (U.S. 7,043,489; hereinafter "Kelly") and further in view of Barr (U.S. 5,182,705; ; hereinafter "Barr"). Applicant respectfully traverses this rejection.

Barr is provided to show the additional elements of claims 17-20. However, Barr fails to cure the deficiencies of Rauen and Kelley as discussed above. Thus, Applicant respectfully submits that claims 17-18 and 19-20, which depend from patentable independent claims 1 and 9, respectively, are also patentable.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,


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Date 10/19/07

By 

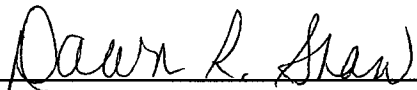
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 19th, day of October 2007.

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Signature